

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADAM JERNOW, on behalf of himself and
others similarly situated,

Plaintiffs,

-against-

WENDY'S INTERNATIONAL, INC.,

Defendant.

No. 07 Civ. 3971 (LTS)(THK)

LAURA TAYLOR SWAIN, DISTRICT JUDGE:

ORDER

The Court has received a motion to dismiss the amended complaint by the Defendant. The papers do not include a certification pursuant to Paragraph 2.B. of the Individual Practices Rules of the undersigned. That Rule provides:

B. Informal efforts to resolve issues required. In civil cases, prior to making a motion of any type, and prior to requesting a conference on any discovery issues, the parties shall use their best efforts to resolve informally the matters in controversy. Such efforts shall include, but need not be limited to, an exchange of letters outlining their respective legal and factual positions on the matters and at least one telephonic or in-person discussion of the matters. If a motion or a discovery conference request remains necessary, the notice of motion or written discovery conference request must include a separate paragraph certifying in clear terms that the movant or requesting party has used its best efforts to resolve informally the matters raised in its submission.


The Court finds that such prior communication is often useful in facilitating settlement, consensual resolution of the subject matter of the motion or, at a minimum, narrowing of issues presented for decision by the Court. It is hereby

ORDERED, that the above-referenced motion is hereby TERMINATED for purposes of the Court's docket, without prejudice to reinstatement upon application, upon notice to adverse parties and accompanied by the requisite certification; it is further

ORDERED, that no response to the motion is required unless a reinstatement application is granted, in which case the time to respond of any adverse party shall be calculated from

the date of service of the order of reinstatement and in accordance with Local Civil Rule 6.1 of the United States District Court for the Southern District of New York.

Dated: New York, New York
July 17, 2007



LAURA TAYLOR SWAIN
United States District Judge